

LINCOLN PLANNING BOARD

SEPTEMBER 26, 2012

APPROVED

The regular meeting of the Planning Board was held on Wednesday, September 26, 2012, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:03 p.m. The following members were present: Gerald Olean, Kenneth Bostic, Jeffrey Delgrande, and Timothy Griffin. Also in attendance were Town Planner Al Ranaldi, Town Engineer Laszlo Siegmund and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

The following members were absent from this meeting: Michael Reilly, William Murphy and John Hunt. Members Reilly and Murphy called the Chairman and were excused.

Chairman Olean advised that four members were present; have quorum.

Motion made by member Griffin to amend the agenda and move item 4b “MacColl Field YMCA” to the next item to be heard. The motion was seconded by member Bostic and approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

**b. MacColl Field YMCA AP 25 Lots 58,68,69,71 Bond Release
The YMCA of Pawtucket, Inc. Breakneck Hill
Road Discussion/Approval**

Chairman Olean reminded members that a letter from the Public Works Director was delivered to all members prior to this meeting.

Mr. Ranaldi stated that he had a meeting with the Town Administrator and the Public Works Director regarding this sewer pump station and the bond that the Town is holding for it. The Public Works Director, out of an abundance of caution, would like to wait one week while the new pump is running to make sure there are no issues. We are currently in the third day of that one week. The PWD recommends that if the station is running with no issues by October 2, 2012 the bond could be released at that point. The PWD is asking the Board to delegate that authority to him to release the bond if all conditions are met.

Bob Cioffi, Executive Director of the MacColl YMCA, made a brief statement. Mr. Cioffi stated he wanted to thank the Board for their consideration throughout this project. Mr. Cioffi asked if the other bond, remediation bond, is on the agenda tonight to be released. Mr. Ranaldi stated that the bonds are tied together which is \$200,000 for the pump station and \$20,000 for the remediation bond. If approved,

this would release all bonds in regards to this project.

Motion made by member Bostic to release the bonds for the YMCA with the Administrative Officer's approval with the advice and consent of the Public Works Director. The motion was seconded by member Griffin. Motion was approved by all members present.

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has three zoning applications, two recorded decisions and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.

Motion was made by member Griffin to accept the consent agenda as presented was seconded by member Delgrande. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

a. TD Bank AP 28 Lot 10 Public Hearing – 7:00 PM

Wake Robin Square, LLC Wake Robin Road Preliminary Plan

Discussion/Approval

Chairman Olean called the Public Hearing to order at 7:09 pm. Roll call of the abutter's list was read by the recording secretary. There

was no response to the reading of the abutter's list. Chairman Olean called for any other abutter in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this application is before the Board for a Public Hearing at preliminary plan stage. The applicant received a certificate of completeness on September 19, 2012 and the Board has until January 17, 2013 to make a decision. This is a redevelopment of a portion of commercial land on George Washington Highway. It is the redevelopment of the former "Wendy's" restaurant site. The applicant proposes to re-grade the site and construct a new community bank. The application meets all the zoning requirements. The storm water would be directed into underground drainage facilities. The TRC reviewed the plans and had one concern at master plan. The concern was to have a pedestrian walkway through the proposed landscaped island for pedestrian traffic from the upper parking area to the bank. The applicant has included this request in the preliminary plan drawings. The applicant has also added a hatched crosswalk between two existing sidewalks at the entrance from the street. The TRC made a few suggestions to the applicants engineer about concerns on the site plan. The suggestions were not requirements. The applicant will go before the Zoning Board in November for signage. The two concerns of the TRC are that the applicant needs to acquire a Physical Alteration Permit from RIDOT and an agreement with the State needs to be submitted for the use of their land. Barring any concerns brought out by the public, the TRC

recommends approval of preliminary plan with conditions as stated in the TRC report.

Josh Swerling, engineer for the applicant, made a presentation to the Board. Mr. Swerling stated that there is a good amount of landscaping proposed to be placed in the State right-of-way. The plan shows the landscaping separately on the lot and on the right-of-way subject to the applicant getting an agreement with the State. If the agreement with the State does not come through then the landscaping on the lot would still be done. There are significant drainage improvements on the lot and that plan has been filed with RIDOT for the PAP. The applicant is going to accept one of the suggestions of the Town to relocate some of the roof drains. The other suggestions were not accepted by the applicant but will continue to work with the Town Engineer. Chairman Olean inquired what would happen if the Zoning Board does not grant relief for signage. Mr. Swerling stated that the applicant would have to comply with the ordinance as it stands if the relief is not granted. Mr. Swerling requested that the Board consider delegating final plan approval to the Administrative Officer. Chairman Olean said the Board would take the request under advisement. Chairman Olean wanted to know if there was sufficient parking specifically for the bank. Jason Sisto, owner of the property, stated that TD has a land lease for that site with sufficient parking. If the tenant were to change all issues including parking would have to be looked at again. Solicitor DeSisto agreed with that statement. Mr. Sisto also stated

that the license agreement with the State for the right-of-way improvements is in process.

Chairman Olean now opened the meeting to comments from the public. There were no members of the public that came forward to speak. Motion was made by member Bostic to close the Public Hearing at 7:30 pm was seconded by member Griffin. Motion was approved by all members present.

Motion made by member Griffin to approve preliminary plan with conditions as listed in the TRC report was seconded by member Delgrande. Motion was approved by all members present.

Motion made by member Griffin to delegate final plan approval to the Administrative Officer was seconded by member Delgrande. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

a. Cara Drive Extension AP 17 Lot 95 Preliminary Plan
Verna Derderian Cara Drive Discussion/Approval

Mr. Ranaldi stated that this application is before the Board at preliminary plan review stage. The applicant received a certificate of completeness on September 19, 2012 and the Board has until January 17, 2013 to make a decision. This application represents the

development of two lots into five lots. The applicant also proposes to extend the existing Cara Drive by removing the existing cul-de-sac and extending it with a new cul-de-sac. There were three subdivision waivers discussed at master plan stage. The waivers were for a reduction of street width and 2 ½ to 1 lot depths to width ratio on two lots. These waivers were approved by the Board at master plan review. The TRC had some concerns with the site plan. The detention basin appears to act as an infiltration basin. There were no test pits done at the location of the basin to verify if this would work. The TRC highly suggests that a test pit be done in the area of the basin to confirm the infiltration will work. There is also a concern that the basin outlets are three feet up from the bottom of the basin which means the basin could have standing water. There is also a proposed twenty foot wide easement along lot 3 coming from the public road to the detention basin. Half of this easement is located in the 2 ½:1 slope which is unsuitable for vehicles. The TRC suggests that the applicant adjust the easement to provide a wider flat area for vehicular traffic in case of emergency. There were also concerns about the drainage report which are listed in the TRC report. Therefore, the TRC recommends the applicant address the above concerns and return to the Board in October for further review.

Daniel Campbell, engineer for the applicant, made a presentation to the Board. Mr. Campbell stated that he received the TRC report last week. The applicant performed two test pits on the site in conjunction when the Town DPW extended the drain line onto this

property. The Town did have a one page agreement with the applicant to extend that drain line onto this property without an easement. The test pit at the bottom has an infiltration rate of .27 inches per hour based on the soils found. This rate would allow the basin to infiltrate within 72 hours. The applicant admits that a page was left out of the drainage report which the applicant will correct. The easement, at master plan, was originally ten feet wide and was preliminarily approved. The easement was expanded to twenty feet wide at the request of the Lincoln Water Commission. The current easement has a fourteen foot wide flat area which is acceptable to the movement of commercial vehicles. The easement is already larger than what is typically proposed. The TRC also wanted another light pole between the existing light pole and the pole at the cul-de-sac. The applicant has no problem adding another light pole. The TRC also wanted to extend the engineering profiles through to the detention basin. It is not something we are typically asked to do but the applicant will provide that information. The applicant feels that with the exception of the test pit the comments are minor in nature. Therefore the applicant would like to proceed to a public hearing either next month or the following month.

Chairman Olean asked Town Engineer to respond to some of the applicants comments. Town Engineer Laszlo Siegmund responded that as the Board knows this is not a new issue. There has always been a lack of information on the area where the detention basin is proposed. A good portion of the basin is in an excavation

approximately three feet deep. There is one 12" line coming in and two 12" lines going out of the basin. It is called a detention basin and with this lack of information there is no way the Town Engineer can assure the Board that the basin will empty after the 72 hours that was mentioned. The Town knows there is ledge on the property. Mr. Siegmund stated he is concerned that the basin cannot be built because of ledge or it will remain full of water or partially full for an extended period of time. Mr. Siegmund is simply asking the applicant for more information.

Chairman Olean stated that with the information presented tonight, he is uncomfortable moving this application to a public hearing. Mr. Campbell believes there is only one open question to hold the public hearing. The question is in reference to the test pit and whether there is sufficient soil for the infiltration of the basin. Mr. Campbell stated that if the applicant hand dug in the area of the basin down 36" and did not find rock/ledge then that question would be answered and the applicant should be able to move to a public hearing. Mr. Campbell further stated that his client had an agreement with the Town when the drainage pipe was extended and another test pit is a financial hardship on the applicant. Member Delgrande asked Mr. Campbell if all the questions could be answered including digging the test pit by next month. Mr. Campbell was unsure. Chairman Olean moved to continue this application to the October 2012 meeting with the agreement of the other Board members present.

MINOR SUBDIVISION REVIEW

**a. Marciano Subdivision AP 44 Lot 36 Preliminary Plan
Anthony R. Marciano Angell Road Discussion/Approval**

Mr. Ranaldi stated that this application is for a minor subdivision of one lot into two residential lots. There is no street creation with this subdivision. The applicant received a certificate of completeness on September 19, 2012 and the Board has until November 23, 2012 to make a decision on preliminary plan. The TRC reviewed the plans submitted. The TRC has one concern in regards to a garage currently on the property which crosses the proposed subdivision line. A note on the plan states that the garage would either be removed completely or reduced to a 500 square foot shed that would be no less than 6' away from this new lot line. The TRC would like to see that condition happen before the plan is finalized. Other than that, the TRC recommends approval with conditions stated in the TRC report.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated he spoke to his client and he will remove the garage. Once this plan is approved the applicant will have the garage removed then have the surveyor make the adjustment on the plans for final plan submission. Chairman Olean asked when the applicant plans to have the garage removed. Mr. Shekarchi stated that his client is already working on getting prices

so it will be very soon. Chairman Olean stated that at this point the Board does not have a sewer or water letter and the building is still up across the proposed lot line. This application would go smoother if these issues did not exist. Mr. Shekarchi stated that the applicant did not want to take down the building until he was sure the subdivision would go through.

Motion made by member Delgrande to approve preliminary plan with the condition that the garage and slab be removed to the Building Officials satisfaction and the plan be amended to show the removal of the garage prior to the recording of final plan. The motion was seconded by member Griffin. Motion was approved by all members present.

Motion made by member Bostic to delegate final plan approval to the Administrative Officer was seconded by member Griffin. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given three sets of minutes to review. They are for June 27, 2012, July 25, 2012 and August 22, 2012. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Griffin to dispense with the reading of the June 27, 2012, July 25, 2012 and August 22, 2012 minutes and accept

as presented was seconded by member Delgrande. Motion was approved by all members present.

Motion made by member Delgrande to adjourn at was seconded at 8:10 pm by member Bostic. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Technical Review Committee Report

September 21, 2012

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On September 19, 2012 at 3:00 pm, the Technical Review Committee met to review the agenda items for the September 26, 2012 meeting of the Planning Board. In attendance were Al Ranaldi, Laszlo Siegmund, Michael Reilly, Peggy Weigner, and Russell Hervieux. Below are the Committee's recommendations.

Major Land Development Review

a. TD Bank AP 28 Lot 10 Public Hearing – 7:00 PM

- Wake Robin Square, LLC Wake Robin Road Preliminary Plan Discussion /

Approval

This major land development project is under the 2005 Subdivision Regulations and represents the redevelopment of the former Wendy's restaurant site at Wake Robin Square into a 2,500 square foot bank branch facility with drive-thru service and associated parking. The site will be re-graded to improve surface water drainage. The site will have 18 new parking spaces and associated landscaped islands. The new building will be serviced by public water and sewer. The proposed project meets all of the zoning requirements for the Business Limited zoning district. This project is in front of the Planning Board at the Preliminary Plan review stage – Public Hearing. On September 19, 2012, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as

submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by January 17, 2013, or within such further time as may be consented to by the applicant.

The preliminary plan submission contains a set of plans entitled, “Site Development Plans for TD Bank with Drive-Thru, Location of Site – 3 Wake Robin Road, Town of Lincoln, Providence County, Rhode Island, Map 28 Lot 10”, prepared by Bohler Engineering for Wake Robin Square LLC and TD Bank. The set of plans contain 14 sheets and is dated September 10, 2012. A report entitled, “Drainage Analysis for Proposed TD Bank, 3 Wake Robin Road, Town of Lincoln, Providence County, Rhode Island, prepared by Bohler Engineering” and dated September 5, 2012. A report prepared by Natural Resources Services, Inc. entitled, “Report of Findings for Freshwater Wetlands Delineations, 3 Wake Robin Road, A.P. 28, Lot 10, Lincoln, R.I., prepared for Mathew Leidner, PE, Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772, Report Prepared by: Edward J. Avizinis, Wetland Biologist, dated June 27, 2012.

The Technical Review Committee reviewed the proposed development according to the Land Development and Subdivision Regulations preliminary plan submission requirements. Below are the TRC’s recommendations.

Site Layout

The proposed bank facility will be developed along the northerly

side of the existing commercial plaza. The former Wendy's restaurant site was demolished and the area is currently vacant. The building is proposed to be located in the middle of this area. A drive-thru access driveway is located to the south of the building. The drive-thru facility is located to the east of the building and the associated parking is located to the north and west of the building. The proposed vehicular entrance to this area has been modified to improve vehicular circulation to the new bank and within the existing plaza. Pedestrian access from the existing sidewalk along Wake Robin Road and within the plaza was developed based on recommendations made at the Master Plan review stage. The applicant added crosswalks at each entrance driveway.

The plan set shows a significant amount of landscaping proposed within the State's right-of-way. During the Master Plan, the applicant indicated that they have been working with this State on an agreement that would allow for the proposed landscaping. This agreement has not been submitted as of the time of the Technical Review Committee. The TRC would like the applicant to submit a copy of this executed agreement for review.

Parking

As stated above, the proposed bank facility will have 18 new parking spaces and associated landscaped islands. This subject area is part of a larger commercial plaza with a variety of uses and parking requirements. The applicant provided a parking summary of the existing uses and proposed bank and their required parking amounts.

The required amount of parking for the existing uses and proposed bank is 139 parking spaces. The applicant is proposing 170 spaces including the proposed spaces for the bank.

The TRC had a concern about the internal pedestrian access within the plaza. At the Master Plan stage, the proposed plans did not indicate a dedicated sidewalk between the existing uses and the proposed bank. Any pedestrians who would like to walk between the bank and the existing plaza uses would have to cross the vehicular access point to the bank. The applicant addressed this concern by proposing a cement walkway located within the landscaped island. Crosswalks will extend from this walkway to the entrance of the building.

Zoning Requirements

The applicant is located within the Business Limited zoning district. The proposed use and drive-thru facility are permitted uses. The applicant is requesting a use variance to allow the installation on the state owned right-of-way directly in front of the property. They are also requesting a dimensional variance for additional signage. During the July Planning Board meeting, the TRC and the Board reviewed these requests and made recommendations to the Zoning Board. These applications are scheduled to be heard at the November Zoning Board hearing.

Storm Water Runoff

The applicant will install a new stormwater drainage system that will

include provisions for collecting and treating stormwater runoff. The proposed system was reviewed by the Town Engineer and the Technical Review Committee. The proposed system appears to successfully address the anticipated stormwater runoff. Two minor suggestions were presented and discussed with the applicant's engineer. A Physical Alteration Permit (PAP) from the State will be required for connecting the drainage system to the State's existing drainage system. A PAP should be required as a condition of preliminary plan approval.

Based on the preliminary plan review conducted by the Technical Review Committee and barring any unforeseen concerns brought out during the public hearing, the TRC recommends that the preliminary plan submission be Approved with conditions. The condition of approval is that the applicant must submit an approved Physical Alteration Permit for the project.

b. MacColl Field YMCA AP 25 Lots 58,68,69,71 Bond Release
- The YMCA of Pawtucket, Inc. Breakneck Hill Road

On January 26, 2011, the proposed land development project received Preliminary Plan Approval with Conditions for a new 40,000 square foot YMCA recreational building with associated parking. The new YMCA recreational building will be serviced by public water and a private force main sewer which will be the sole responsibility of the property owner to construct, own, operate and maintain, not the

Town. The private sewer system will connect the entire complex to the public sewers via an onsite pump station and forcemain running the entire length of the applicant's property up to the existing public gravity line in Breakneck Hill Road. This gravity sewer discharges to a pump station on East Butterfly Way. The Public Works Department requires this existing pump station be rebuilt in order to accommodate the flows from the project as a condition of approval.

In order to accommodate the applicant's scheduling concerns, the Town and the applicant executed an agreement that outlines the applicant's responsibility and time table to provide the offsite improvement. The applicant also posted a bond in the amount of the offsite improvement as part of the agreement.

On June 18, 2012, the YMCA submitted a letter requesting the release of their bond due in fact that the offsite improvements have been completed. However, while the new pump station is up and running, the improvements have not been accepted by the Town. The Director of Public Works stated in a letter to the Planning Board that it would be premature to release the bond at this time. This request was tabled by the Planning Board at their July and August meetings for the same concerns. Unfortunately, the Director of Public Works again stated that some minor outstanding issues remain and he did not feel comfortable releasing the bond at this time. Therefore, the Technical Review Committee recommends that the bond release request be postponed until the next Planning Board meeting.

Major Subdivision Review

a. Cara Drive Extension AP 17 Lots 95 Preliminary Plan Discussion

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- Verna Derderian Cara Drive Approval

This major subdivision project is under the 2005 Subdivision Regulations and represents the reconfiguration of one large existing lot to enable the subdivision of three new single-family residential lots. The three house lots are proposed to be developed off of an extension of Cara Drive. This subdivision is classified as a major subdivision due to the proposed street extension. On September 19, 2012, the preliminary plan submission received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by January 17, 2013, or within such further time as may be consented to by the applicant.

The Technical Review Committee reviewed the proposed development according to the Land Development and Subdivision Regulations preliminary plan submission requirements. The submission includes a set of plans entitled “Cara Drive – Extension, Major Subdivision Preliminary Plan Cara Drive, Lincoln, Rhode Island” and dated July 25, 2012. The plans were prepared by Level Design Group of Plainville, Mass. for Verna Derderian, 101 Cobble Hill

Road, Lincoln, Rhode Island. The plan set contains 9 pages. The submission also contains a report entitled “Land Development and Subdivision Application for AP 17 Lots 95, Cara Drive Extension, Lincoln, Rhode Island” and dated July 25, 2012. The report was prepared by Level Design Group. Another report entitled “Stormwater Report for Cara Drive – Extension AP 17 Lot 95, Lincoln, Rhode Island, prepared by Level Design Group, LLC of Plainville, Mass. was submitted and reviewed.

Below are the Technical Review Committee comments.

Subdivision Waivers

The following subdivision regulation waivers were discussed and approved by the Planning Board at the Master Plan review stage.

They are:

1. Section 23, Article C (5) – “Street right-of-way shall not be less than fifty (50) feet, and street pavements measured between faces of curbing centered within the property lines shall not be less than thirty (30) feet in width”. The applicant is requesting to reduce the width of the street right-of-way to match the existing right-of-way of Cara Drive. Their request is to reduce the right-of-way to forty (40) feet, and a pavement width of approximately twenty-three (23) feet.
2. Section 23, Article E (4) – “The proportion of average lot depth to average lot width shall not exceed the ratio of 2.5:1. Proposed Lot #4 does not meet this requirement.
3. Section 23, Article E (4) – “The proportion of average lot depth to average lot width shall not exceed the ratio of 2.5:1. Proposed Lot #5

does not meet this requirement.

Site Layout

Cara Drive is a cul-de-sac roadway off of Olney Avenue. Cara Drive is approximately 280 feet long and offers public sewer and water. The property is situated in a RS-12 Residential zone. Currently, five houses front off of the roadway. The proposed subdivision is to extend the existing roadway, public sewer, and public water by approximately 240 feet. The roadway would end in a new cul-de-sac and would allow for the creation of three residential house lots. The existing cul-de-sac will be eliminated. Each house lot exceeds the required buildable lot area. Proposed Lot #3 would contain a drainage structure on it.

There is a proposed access easement that would be given to the Town if we require access to the drainage structure. According to the plans, half of the easement runs along a steep sloped area. The TRC recommends that this portion of the easement be relocated so the easement would measure a full 20' wide and run along a level area. Proposed lot #3 does not show the correct front setback line. The TRC recommends that the setback line be corrected to reflect the curve of the roadway.

As part of the preliminary plan review stage, the applicant must show the proposed locations of street lighting. The applicant is proposing one new additional street light at the end of the cul-de-sac. The Technical Review Committee recommends that an additional street light at station 1+80 would be beneficial as the distance between the

one proposed street light at the cul-de-sac and the last existing one is excessive.

Storm Water Runoff

The storm runoff from the road extension is shown to be conveyed into a detention basin located on proposed lot #3. Throughout the master plan review stage and the various submittals associated with this review stage, the Town Engineer's office repeatedly noted the lack of data at the location of the proposed detention basin and requested additional information. In spite of the Town's requests, no new information was provided. In addition, the plan set contains notes that are repeated sheet after sheet, making these plans more congested than necessary. All future plans should be free of so many repeats.

The drainage report submitted at this review stage is incomplete. The description of the proposed hydrologic conditions ends in mid-sentence on a page with no continuation. The drainage profile shown on the plan should be extended to its entirety which is to the end of the proposed outfall.

The proposed drainage basin is named as a detention facility but appears to function as an infiltration basin. The bottom elevation is shown as 283.00, the inverts of the two outfall pipes are labeled as 286.25, indicating that after some storms approximately three (3) feet of standing water will remain. It is not known if this water will infiltrate into the ground as there is no information provided. The closest test pit information is approximately 150 feet away from the

proposed basin. The ground water level at the test pit was 54” below the surface. While the ground level at the test pit is lower than at the basin, no groundwater information is available. It is also noted that the test pits were excavated during the month of August, an historically low ground water period.

Based on the submitted information and the TRC comments, the Technical Review Committee recommends that the applicant addresses the above noted concerns and return to the Planning Board at the next scheduled meeting in October. The revised submittal must be submitted at least three weeks before the October meeting to accommodate the Town’s and TRC’s review.

Minor Subdivision Review

**a. Marciano Subdivision AP 44 Lot 36 Preliminary Plan Discussion /
- Anthony R. Marciano Angell Road Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Minor Subdivision. On September 19, 2012, the Preliminary Plan submittal received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8

herein. Therefore, a decision on the Preliminary Plan review must be made by November 23, 2012 or within such further time as may be consented to by the applicant.

The Technical Review Committee reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Lincoln, RI, Preliminary - Minor Submission Plan of Land for Anthony R. Marciano, Class 1 Survey of AP 44 Lot 36 Angell Road Whipple Road by MLS Surveying Inc. The plan is dated November 6, 2008. The submission also included a plan entitled, "Lincoln, RI, Record Plan, Plan of Land for Anthony R. Marciano, Class 1 Survey of AP 44 Lot 36 Angell Road Whipple Road by MLS Surveying Inc. The plan is dated November 6, 2008. Below are the TRC comments.

Site plan

The proposed subdivision is to divide one large lot into two lots. This proposed subdivision successfully meets the requirements of the Zoning Ordinance. Currently, one house and one garage are developed on the site. The existing garage does not meet the requirements of our Zoning Ordinance. However, the plans indicate that the garage will be removed or reduced to 500 sf. with a minimum 6' lot line setback. The existing garage must be removed or reduced to 500 sf. with a minimum 6' lot line setback as a condition of Preliminary Plan approval.

The proposed new lot will have access from Angell Road. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on any proposed house lots. This plan will be required at the building permit stage. The plan notes indicate that there appears to be no wetlands on the site. The notes state that Drywells will be installed with sufficient capacity to accept roof drain runoff. The type and precise location of the drywells can be presented and reviewed at the building permit application phase.

Utilities

Public water and sewer are available to the proposed lot.

Based on the Preliminary Plan submission, the Technical Review Committee recommends Approval with Conditions of this Minor Subdivision Preliminary Plan application. The condition of preliminary plan approval is that the existing garage must be removed or reduced to 500 sf. with a minimum 6' lot line setback. Once this condition of approval is complete, the TRC recommends that the applicant comes back to the Planning Board with the resolution of the garage shown on the final plan. This plan will then be reviewed and approved.

According to the Town of Lincoln's Subdivision Regulations, the vesting period for a minor plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan is submitted for signature and recording, in conformity with such approval, and as

defined in these regulations in Section 9. Validity may be extended for a longer period, for cause shown if requested by the applicant in writing prior to the expiration of the period, and approved by the Planning Board.

Zoning Applications (*) – October's Zoning Applications

(Continued from September Zoning Board hearing for more information.)

BAM Realty LLC, 7 Industrial Drive South, Smithfield, RI/William Machala, 7 Industrial Drive South, Smithfield, RI – Application for Special Use Permit to allow an indoor recreation area for children's party use for property located at 40 Walker Street, Lincoln, RI.

AP 2, Lots 84/96 Zoned MG 05

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. At the time of the TRC meeting, the applicant did not supply the Zoning Official with additional information. Therefore, the Technical Review Committee could not make a recommendation from the information presented. The TRC had questions about existing parking areas and the amount of people that the applicant expects to serve at any given children's party. These details were not presented in the original application.

(Continued from September Zoning Board hearing.)

TD Bank c/o Bohler Engineering, 352 Turnpike Road, Southborough,

**MA/Wake Robin Square LLC, 1145 Main Street, Suite 3, Pawtucket, RI
– Application for Special Use Permit for signage for new business to
be located at the former's Wendy's at 3 Wake Robin Road, Lincoln, RI.
AP 28, Lot 10 Zoned: BL 0.5**

**The Applicant is asking the Zoning Board to be continued to their
November meeting.**

Original Recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and the application for a special use permit for new signage at the proposed TD Bank located at 3 Wake Robin Road. The submitted application is for a total of three building signs and one pylon sign of various sizes. The application indicates two possible locations for the pylon sign. One location would be located on the property. The other location would be located on the State right-of-way. The Technical Review Committee recommends Approval of the proposed signage package as presented within the submitted plans. However, the TRC recommends that the applicant be allowed only one pylon sign. If the applicant wishes to locate the sign on the State right-of-way, the TRC would like to point out that this sign location would require a use variance per the Zoning Ordinance.

**Darlene M. Cary, 130 Elder Street, Lincoln, RI – Application for
Dimensional Variance seeking side yard relief for the construction of**

an addition.

AP 1, Lot 46 Zoned: RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application according to the submitted plans for a dimensional variance from the side yard setbacks for the construction of an addition. The proposed addition will not extend into the side yard setbacks any further than what currently exists. The Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The TRC feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

The TRC would like the applicant to clear up the pre-existing nonconformance of the existing house. The submitted site plan indicates that the existing rear and side yard setback are not conforming. The TRC would also like to point out that the applicant has a shed located in the front yard setback. This is not allowed according to the zoning ordinance. The applicant would have to seek zoning relief or move the shed to be in conformance.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board